

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

LESLIE COURTNEY

Plaintiff,

v.

C.A. No. 1:24-cv-12843-PBS

PAPA, INC.

Defendant.

**PLAINTIFF, LESLIE COURTNEY'S MEMORANDUM OF LAW IN SUPPORT OF ITS
MOTION TO COMPEL ANSWERS TO FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure, Plaintiff Leslie Courtney (“Plaintiff” or “Ms. Courtney”) moves for an order compelling Defendant, Papa, Inc. to respond to Plaintiff’s First Set of Interrogatories (“Interrogatories”) and submits this Memorandum of Law in support thereof.

I. BACKGROUND

Plaintiff filed her six-count Complaint asserting federal and state law claims related to the harassment, discrimination, and retaliation she endured on the basis of her sex/gender during her employment with Defendant.

Defendant moved to compel arbitration on January 2, 2025, and the Court denied Defendant’s Motion after a hearing on March 7, 2025.

On April 25, 2025, Plaintiff served the Interrogatories on Defendant, which sought answers to twenty-five numbered interrogatories. *See Exhibit 1*, Interrogatories. To date, Defendant has not responded to the Interrogatories in any capacity. Pursuant to Local Rule 37.1, Plaintiff’s counsel sought to confer with Defendant’s counsel to discuss the Defendant’s failure to answer via letter dated June 4, 2025.

To date, Defendant's counsel has not responded to the June 4, 2025 letter, nor has Defendant served answers to the First Set of Interrogatories.

II. LEGAL ARGUMENT

A discovery conference did not occur before the filing of the Motion because Defendant's counsel did not respond to Plaintiff's counsel's June 4, 2025 letter. Without any objection or explanation justifying Defendant's failure to respond to discovery, Plaintiff was forced to petition the Court for relief.

If a party fails to respond to requests for production of documents or interrogatories, the party seeking discovery may move to compel production of the requested information. *See Fed. R. Civ. P. 37(a)*. Because Defendant has failed to respond in any manner to the Interrogatories, the Court should grant Plaintiff's Motion and compel the production of answers to all twenty-five of the Interrogatories. *See Ex. 1*.

Local Rule 37.1 provides that “[f]ailure of opposing counsel to respond to a request for a discovery conference within 7 days of the request shall be grounds for sanctions, which may include automatic allowance of the motion.” *See Local R. Civ. P. 37.1(a)*. Because Defendant's counsel failed to respond to the June 4, 2024 letter, the Court should grant the Motion as a matter of course, award Plaintiff the reasonable attorneys' fees and costs related to the preparation and filing of the same under Local Rule 37.1, and deem Defendant's non-privileged objections waived. *See Bonner v. Triple S Mgmt. Corp.*, 68 F.4th 677, 684 (1st Cir. 2023) (noting that in discovery, “[i]f the responding party fails to make a timely objection, or fails to state the reason for an objection, he may be held to have waived any or all of his objections.”).

WHEREFORE, Plaintiff, Leslie Courtney, respectfully requests that the Court enter an order granting this Motion and:

- A. Compelling Defendant Papa, Inc. to serve answers to the Interrogatories within twenty (20) days from the date of entry of the order;
- B. Deeming all non-privileged based objections waived;
- C. Awarding Plaintiff her reasonable attorneys' fees related to preparing the Motion to Compel and this Memorandum pursuant to Local Rule 37.1; and,
- D. Granting any further relief in Plaintiff's favor as the Court deems just and proper.

Respectfully submitted,

LESLIE COURTNEY

By her attorneys,

/s/ Timothy C. Cavazza

/s/ Jessica A. Sclafani

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Dated: June 12, 2025

CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on June 12, 2025.

/s/Timothy C. Cavazza